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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

THE PEOPLE,

Plaintiff and Respondent,

v.

JOE ZARAGOZA,

Defendant and Appellant.

B175022

(Los Angeles County
Super. Ct. No. PA041436)

APPEAL from a judgment of the Superior Court of Los Angeles County.
Meredith C. Taylor, Judge. Affirmed.

Ava R. Stralla, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance by Plaintiff and Respondent.

Joe Zaragoza appeals from the judgment following his plea of nolo contendere to Penal Code section 192, subdivision (a) (voluntary manslaughter upon a sudden quarrel or heat of passion) and admission of allegations of Penal Code sections 186.22, subdivision (b)(1) (benefit of a street gang) and 12022, subdivision (a)(1) (armed in the

commission of a felony). A juvenile at the time of the offense, he had originally been charged with murder in violation of Penal Code section 187, subdivision (a). He was sentenced to 3 years for manslaughter with consecutive sentences of 10 years and one year for the gang and weapons allegations, respectively, for a total of 14 years in state prison.

According to testimony at the preliminary hearing, on April 26, 2002, David Sanchez was killed in Sylmar Park near Sylmar High School during a gang altercation that was arranged in advance. The fight was over a car belonging to David Sanchez. Appellant and two or three other assailants were seen with knives. A codefendant stabbed Sanchez. Before the stabbing, appellant drew a gun on one of the victim's friends and pulled a trigger; the gun did not fire. He was seen kicking and hitting Sanchez before the stabbing. Sanchez died from a stab wound that punctured his heart.

Appellant was represented by private counsel in the trial court. His motion to sever his trial from that of three codefendants was denied. His plea was entered October 15, 2003. The record demonstrates he and the other defendants were informed of the charges, the sentences agreed upon, and their rights, as well as the consequences of their pleas. Appellant understood and waived his rights. He was asked if he had had enough time to talk to his attorney, had any questions, was entering the plea freely and voluntarily or because someone forced him or promised anything other than stated on the record. His answers evidenced a voluntary plea. His attorney joined in the plea and waivers and stipulated there is a factual basis for the plea.

Appellant's counsel sought to withdraw for nonpayment of his fees; the trial court denied the motion. Following the plea but before sentencing, appellant sought to withdraw his plea. Appellant and codefendant Gomez testified at the hearing on motions to withdraw their pleas. Appellant testified he "was in shock" and felt "pressured from the attorneys." He realized within an hour or two of taking the plea that he wanted to change his plea back to not guilty. The court reviewed the plea, reread the transcript, and concluded the plea "was freely and voluntarily given after lots and lots of discussions with counsel over the course of this case," so denied defendant's motion to withdraw his

plea. Appellant was sentenced the same day. On March 8, 2004, appellant and codefendant Gomez unsuccessfully sought reconsideration regarding the motions to withdraw their pleas.

This appeal from the judgment follows. Defendant's request for a certificate of probable cause was denied.

We appointed counsel to represent appellant on this appeal. After examination of the record, counsel filed an "Opening Brief" in which no issues were raised.

On November 23, 2004, we advised appellant that he had 30 days within which personally to submit any contentions or issues which he wished us to consider. No response has been received to date.

We have examined the entire record and are satisfied that appellant's attorney has fully complied with her responsibilities and that no arguable issues exist. (*People v. Wende* (1979) 25 Cal.3d 436, 441.)

The judgment is affirmed.

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COOPER, P.J.

We concur:

RUBIN, J.

FLIER, J.